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CONCORD, N.H.

Honorable Perkins Bass
House of Representatives
Concord, New Hampshire

Dear Mr. Bass:

You have inquired if the provisions of H.B. #32, an act relating to authority and duties of police employees, are in violation of Part Second, Article 6-a of the New Hampshire Constitution.

Under the existing law the state police are charged with the duty of patrolling the highways and are also given the general power to enforce all criminal laws of the state. Art. 6-a of the N.H. Constitution, adopted in 1993, provides that revenue accruing to the highway fund from certain charges and from the road toll on gasoline can be spent only for specified purposes, among which is included the supervision of traffic. To the extent, therefore, that the cost of maintaining the state police is incurred by the patrolling of the highways and the enforcement of traffic laws and regulations, such expenditures are a legitimate charge on the highway fund and are in accordance with the provisions of our Constitution.

H.B. #32 in no way changes the duties of the state police in this regard. It is my conclusion, therefore, that the appropriation for the state police, to the extent that the state police facilities are used in patrolling the highways, will continue to be a constitutional charge upon the highway fund as it has been in the past. In my opinion none of the provisions of the proposed bill would be a violation of the Constitution in this regard.

Very truly yours,

Gordon H. Tiffany
Attorney General

GT/d